

REMARKS

Claims 14-15, 17-26 and 30 are pending in the application with the present amendments including new claim 30. In the Office Action, the Examiner rejected claims 14-15, and 17-26 under 35 U.S.C. §103(a) as being obvious over U.S. Patent Publication No. 2003/0054630 to Ginter et al. ("*Ginter*") or as obvious over *Ginter* in view of U.S. Patent No. 6,668,246 to Yeung et al. ("*Yeung*") or as obvious over *Ginter* in view of U.S. Patent No. 6,772,344 to Chan ("*Chan*"). For the reasons set forth below, applicant respectfully submits that the presently pending claims overcome the rejections. Reconsideration and allowance of the claims are respectfully requested.

As amended herein, claim 14 now recites a step of determining whether the one or more electronic processing devices is operable to perform rights processing in accordance with the identified rights management and protection method. If the one or more electronic processing devices is operable to do so, it then performs the rights processing. However, when the one or more electronic processing devices is not operable to perform such rights processing, a processing ability of the one or more electronic processing devices is used to automatically alter the one or more electronic processing devices to be operable to perform the identified rights management and processing method. The altered one or more electronic processing devices then uses the received rights indicia to perform rights processing of the received content in accordance with the identified rights management and protection method to permit or deny access to the received content.

As further recited in claim 18, when the processing ability of the one or more electronic devices is sufficient, the step of automatically altering the one or more electronic processing devices includes automatically creating a rights

management and protection module selected based on the identified rights management and protection method.

Alternatively, as recited in claim 30, the method includes determining whether the processing ability is sufficient to perform the step of using the processing ability of the electronic processing device to automatically alter the one or more electronic processing devices when the one or more electronic processing devices is not operable to perform the identified rights management and processing method. As recited in claim 30, the one or more electronic processing devices is automatically altered only when the processing ability is determined to be sufficient.

By contrast, *Ginter* neither teaches nor suggests these features of the presently claimed invention. *Ginter* merely describes a system which identifies required methods for exercising a particular right. *Ginter*, [1116]. The required methods can reference "load modules" *Ginter*, [1116], these containing code and static data used to perform basic operations. *Ginter*, [1046]. While *Ginter* indicates that new load modules can be created, *Ginter* neither teaches nor suggests *automatically* altering one or more electronic processing devices to be operable to perform the identified rights management and processing method. Moreover, *Ginter* neither teaches nor suggests use of a processing ability of the one or more *electronic processing devices* to perform the altering process.

In addition, with respect to claim 30, *Ginter* neither teaches nor suggests a step of automatically altering the one or more electronic processing devices, which depends upon *determining* a sufficiency of a processing ability of the one or more electronic processing devices. Specifically, *Ginter* neither teaches nor suggests automatically altering one or more electronic processing devices only when the processing ability is determined to be sufficient.

Applicant respectfully submits that *Yeung* and *Chan* do not provide the teachings which *Ginter* lacks with respect to the invention recited in the presently pending claims.

Support for the present amendments is provided, *inter alia*, at paragraphs [0124] through [0126] of the Specification.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which she might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

By


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